

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,

Case No. 16-cr-0051 (WMW/BRT)

Plaintiff,

**ORDER**

v.

Jeffrey Joseph Pendleton,

Defendant.

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This matter is before the Court on Defendant Jeffrey Joseph Pendleton's motion for an extension of the deadline to file a notice of appeal of this Court's January 15, 2021 Order denying Pendleton's motion for compassionate release from custody. (Dkt. 127.)

"In a criminal case, a defendant's notice of appeal must be filed in the district court within 14 days after . . . entry of either the judgment or the order being appealed." Fed. R. App. P. 4(b)(1)(A)(i). As such, Pendleton's deadline to file a notice of appeal of this Court's January 15, 2021 Order is January 29, 2021. A district court may extend the time to file a notice of appeal "for a period not to exceed 30 days from the expiration of the time otherwise prescribed by [ ] Rule 4(b)" if the district court makes "a finding of excusable neglect or good cause." Fed. R. App. P. 4(b)(4).

Pendleton is serving a sentence in the custody of the Federal Bureau of Prisons (BOP). Pendleton's counsel contends that, in light of the ongoing COVID-19 pandemic, "[d]irect communication with [Pendleton] has been difficult given the mitigation techniques implemented by the BOP." Consequently, Pendleton seeks the full 30-day

extension permitted under Rule 4(b)(4) of the Federal Rules of Appellate Procedure. On this record, the Court concludes that Pendleton has demonstrated good cause for a 30-day extension of time to file a notice of appeal in this case.

**ORDER**

Based on the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. Defendant Jeffrey Joseph Pendleton's motion for an extension of the deadline to file a notice of appeal, (Dkt. 127), is **GRANTED**.
2. Pendleton may file a notice of appeal no later than February 28, 2021. *See* Fed. R. App. P. 4(b)(4).

Dated: January 25, 2021

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge